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Express Mail Label No. EL996742908US

PATENT APPLICATION
Docket No. 15436.54.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

03945 U.S.PTO
10/688356
10/17/03

TRANSMITTAL FOR PATENT APPLICATION

Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b) is a United States patent application entitled VARIABLE ELECTROCHROMIC OPTICAL ATTENUATOR in the names of the following inventors:

Name: William Freeman
Address: 3662 La Costa Ave.
Castro Valley, CA 94546
Citizenship: USA

Name: Steve Wang
Address: 1818 Libretto Ct.
San Jose, CA 95131
Citizenship: USA

Name: Frank H. Levinson
Address: 4337 Renaissance Drive, #116
San Jose, CA 95134
Citizenship: USA

x Priority to United States Provisional Application Serial No. 60/419,473 filed on October 18, 2002 is claimed under 35 U.S.C. § 119.

Enclosed are the following:

- A specification, claims, abstract, and cover page in total comprising twenty (20) pages
- Formal Drawings (2 sheets)
- A Non-Publication Request
- A Certificate of Mailing by "Express Mail" certifying a filing date by use of Express Mail Label No. EL996742908US.
- No Declaration, Power of Attorney, and Petition is enclosed.

The filing fee has been calculated as shown below.

| | | | Small Entity | | Large Entity | |
|--------------------------|-----------|-----------|--------------|-------|--------------|-------|
| | No. Filed | No. Extra | Rate | Fee | Rate | Fee |
| Basic Fee | | | | \$385 | | \$770 |
| Total Claims | 20 – 20 = | 0 | x 9= | | x 18= | \$ 0 |
| Indep. Claims | 4 – 3 = | 1 | x 43 | | x 86= | \$ 86 |
| Multiple Dependent Claim | | | +140= | | +280= | |
| | | | Total | | Total | \$856 |

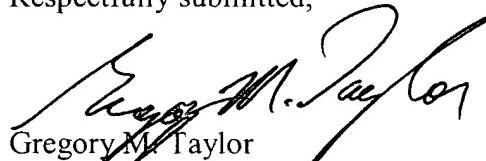
- Credit Card Payment Form PTO-2038 authorizing payment of \$856.00 is enclosed to cover the government filing fee.
- The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed
- Any filing fees under 37 C.F.R. § 1.16 for presentation of extra claims.
- Any patent application processing fees under 37 C.F.R. § 1.17.

Commissioner for Patents
Page 3

Please address all future correspondence in connection with the above-identified patent application to the attention of the undersigned.

Dated this 17th day of October 2003.

Respectfully submitted,



Gregory M. Taylor
Attorney for Applicants
Registration No. 34,263
Customer No. 022913

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PATENT APPLICATION
Docket No. 15436.54.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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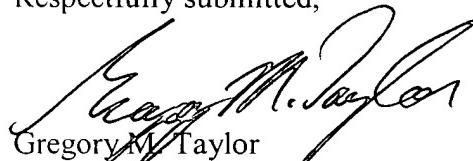
CERTIFICATE OF MAILING BY "EXPRESS MAIL"

I hereby certify that the following documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated below in an envelope addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

- Patent Application in the names of William Freeman, Steve Wang, and Frank H. Levinson for VARIABLE ELECTROCHROMIC OPTICAL ATTENUATOR
- Formal Drawings (2 Sheets)
- Non-Publication Request
- Transmittal Letter
- Credit Card Payment Form PTO-2038 for \$856.00
- Certificate of Express Mailing
- Postcard

Dated this 17th day of October 2003.

Respectfully submitted,



Gregory M. Taylor
Attorney for Applicants
Registration No. 34,263
Customer No. 022913

Express Mail No. EL996742908US

PATENT APPLICATION
Docket No.: 15436.54.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
William Freeman et al.
Serial No.: N/A
Filed: October 17, 2003
For: VARIABLE ELECTROCHROMIC
OPTICAL ATTENUATOR

NONPUBLICATION REQUEST

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby make a “NONPUBLICATION REQUEST” in accordance with 37 C.F.R. § 1.213(a). As such, the present application is not to be published under 35 USC § 122 (b). Applicants certify that the application has not been and will not be the subject of an application filed in another country, or under a multi-lateral international agreement, that requires publication of applications eighteen months after filing.

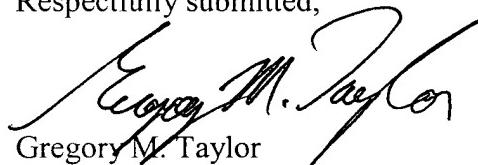
The foregoing certification is predicated upon both objective and subjective factors, any of which the Applicants reserve the right to reconsider at any time in the future for purposes of subjecting the present application to one or more filings in other countries. As such, the Applicants reserve the right under 37 C.F.R. § 1.213(b) to rescind the foregoing “NONPUBLICATION REQUEST.” Moreover, Applicants further reserve the right under 37

Commissioner for Patents
Page 2

C.F.R. § 1.213(c) to subsequently file, in a foreign country or under a multi-lateral international agreement, an application directed to the inventions disclosed in the application filed in the Patent and Trademark Office, should Applicants' reconsideration of said subjective and objective factors deem that such foreign filings would be in the Applicants' best interest.

Dated this 17th day of October 2003.

Respectfully submitted,



Gregory M. Taylor
Attorney for Applicants
Registration No. 34,263
Customer No. 022913

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